

April 30, 2024

NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Mr. Jonathan Emmer  
Director Reclamation Division  
Public Service Commission  
600 East Boulevard Avenue  
Department 408  
Bismarck, ND 58505-0480

Dear Mr. Emmer:

Final Bond Release #1 to Permit NACT-1801 has been uploaded to Permit Services. Changes have been tracked using track changes and are highlighted in dark yellow. Responses below refer to technical review deficiencies in your April 8, 2024 letter.

#### **Attachment VI- General Information**

1. *Based on the protocol established in the CVSS, please update Attachment VIb (Pre-mine Soils Map) to show the soils of all the pre-mine native grassland used to develop the standard. (GAW)*

Attachment VIb (Pre-mine Soils Map) has been updated to show the soils of all the pre-mine native grassland used to develop the standard.

#### **Attachment IX – Tame Pastureland**

2. *Based on the protocol established in the CVSS, the pre-mine cropland that existed in the bond release tract should continue to be included in Coteau's regional MA4-South standard. Please update Attachment IX (Tame Pastureland) and Attachment IXa (Production Standard Calculations) accordingly. (GAW)*

All cropland soils that existed pre-mining are still included Coteau's regional MA4-South standard as requested.

3. *The second paragraph on page 2 of Attachment IX (Tame Pastureland) states that unadjusted production standards were developed from affected pre-mine soils from soil surveys conducted for Permit NACT-8203 and Permit NACT-8401. Please explain*

*why native grassland soils in Permit NACT-8401 are being used to develop the unadjusted tame pastureland yield standard for the bond release tract. It does not appear that any native grassland soils in Permit NACT-8401 are going to be used in the development of the standard. Please review and revise the narrative accordingly. (GAW)*

Language regarding Permit NACT-8401 has been removed from Attachment IX (Tame Pastureland) as none of these soils were used to develop the standard in Section 17.

4. *Follow-up to Item No. 5 of our January 22, 2024 review letter: The 2020 climatic correction factor was calculated without Mercer County NDASS data from seven of the fifteen years preceding the year 2020. NDASS data are not available for 2008, 2011, and 2014 through 2019. The Tame Pastureland section of the NDPSC revegetation success standards document states that "calculation of the average should include data from the last fifteen years". In Item No. 5, Coteau was asked to include all available yield data to demonstrate that the tract has been consistently yielding reasonably well. With all available data, it was thought that a demonstration could be made to show that the tract has been consistently yielding well. However, after further consideration, the burden is on Coteau to demonstrate revegetation success. Please revise Attachment IX (Tame Pastureland) to address how it is acceptable to calculate the 2020 climatic correction factor without Mercer County NDASS yield data from seven of the fifteen years preceding the year 2020. (GAW)*

As a solution for the missing years of NDASS County data, Coteau has elected to use NDASS Agricultural District data as it is the most complete and offers the most consistent available data. A brief description regarding the long-term average production yields for the tame pasture in Section 17 was also added to Attachment IX. Tame Pastureland to help demonstrate revegetation success. The 2020-year data was replaced with 2017-year data as there was no data collected for agricultural districts in 2020.

Attachment IXa. Cover Survey Results, was also updated from 2020 to 2017-year cover data to stay consistent with the years of production data used.

Attachment IXd. Production Sampling Locations was also updated from 2020 to 2017-year data.

## **Attachment X – Fish and Wildlife Habitat**

5. *Follow-up to Item No. 24 of our November 16, 2023 review letter and Item No. 7 of our January 22, 2024 review letter: Most of the watershed depicted in Attachment Xc*

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*(Watershed Boundary Map) does not pass through or support the hydrology of wetland DW-17-01. Please revise the map to depict the watershed of wetland DW-17-01 as required by the NDPSC revegetation success standards document. (GAW)*

Attachment Xc (Watershed Boundary Map) has been updated with the appropriate watershed boundary for wetland DW-17-01.

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If you have any questions, please contact me.

Sincerely,

THE COTEAU PROPERTIES COMPANY

/s/

Mark A. Wallen

Environmental Specialist

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